

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

WILLIE MCNAIR,

Plaintiff,

V.

RICHARD ALLEN, Commissioner
Alabama Department of Corrections,

GRANTT CULLIVER, Warden,
Holman Correctional Facility, and

OTHER UNKNOWN EMPLOYEES
AND AGENTS,
Alabama Department of Corrections,

Individually, and in their
official capacities.

Defendants.

[illegible]

No. 2:06-cv-00695-WKW-SRW

**PETITIONER'S DOCUMENTATION IN SUPPORT
OF MOTION TO PROCEED *IN FORMA PAUPERIS***

Petitioner Willie McNair respectfully submits the attached documentation in support of his Motion to Proceed *In Forma Pauperis*.

1. On August 7, 2006, Mr. McNair moved this Court for leave to proceed in the above-captioned matter *in forma pauperis*, without prepayment of costs or fees.

2. In support of this motion, Mr. McNair submits the attached affidavit of his poverty, as well as a statement of his prison account.

Based on these documents and on his previously filed motion, Mr. McNair respectfully requests that the Court grant him leave to proceed in this matter *in forma pauperis*, without prepayment of costs or fees.

Respectfully submitted,

s/ Randall S. Susskind
Randall S. Susskind (SUS002)
Cathleen I. Price (PRI056)
Equal Justice Initiative of Alabama
122 Commerce Street
Montgomery, Alabama 36104
(334) 269-1803
rsusskind@ejl.org
cprice@ejl.org

Counsel for Plaintiff

August 14, 2006

CERTIFICATE OF SERVICE

I certify that on August 14, 2006, I served a copy of this pleading by first-class mail to:

Richard Allen
Commissioner
Alabama Department of Corrections
301 S. Ripley St.
P.O. Box 301501
Montgomery, AL 36130-1501

Grantt Culliver
Warden
Holman Prison
Holman 3700
Atmore, AL 36503-3700

s/ Randall S. Susskind
Randall S. Susskind

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Case No. _____

**DECLARATION IN SUPPORT OF MOTION
TO PROCEED IN FORMA PAUPERIS**

I, Willie McNair, declare that I am the petitioner in the above entitled case; that in support of the motion to proceed without being required to prepay fees, costs, or give security therefore, I state that because of my own poverty I am unable to pay the costs of said proceedings or to give security therefore; and that I believe I am entitled to redress.

1. I am not presently employed, and have not been employed since my incarceration

in 1990, nor am I married.

2. In the past twelve months, I have received no money from any employment, no rent payments, no interest or dividends, and no pensions annuities or life insurance payments, no alimony or child support, no retirement funds, no disability payments, no unemployment payments, and no public assistance.

3. The sum total of any cash or savings in my prison account is reflected in the attached Certificate of Account. I have no other cash in any financial institution.

4. I own no assets, no money is owed to me, no one is dependent on me for support, and I do not expect any major changes to my monthly income or assets in the next twelve months.

5. I have not paid nor will I be paying an attorney or any other administrative assistant any money for services in connection with this case.

My legal residence is at Holman Correctional Facility, Holman 3700, Atmore, Alabama, 36503. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-11-06

Willie McNair

Willie McNair

Sworn and Subscribed before me on this 11 day of August, 2006.

Ann Williams

Notary Public

My Commission Expires on 7/11/08.

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
HOLMAN CORRECTIONAL FACILITY

AIS #: 00Z528

NAME: MCNAIR, WILLIE

AS OF: 08/10/2006

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
AUG	21	\$7.01	\$0.00
SEP	30	\$2.39	\$10.00
OCT	31	\$0.01	\$0.00
NOV	30	\$9.23	\$20.00
DEC	31	\$28.42	\$81.50
JAN	31	\$105.05	\$120.00
FEB	28	\$156.54	\$10.00
MAR	31	\$165.73	\$40.00
APR	30	\$153.90	\$150.00
MAY	31	\$182.47	\$20.00
JUN	30	\$213.79	\$172.00
JUL	31	\$186.40	\$0.00
AUG	10	\$157.88	\$0.00

State of Alabama

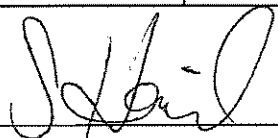
County of Escambia

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CERTIFICATE OF ACCOUNT

I, S. Hamrick, do hereby certify that Willie McNair, Z-528, is an inmate at Holman Prison. He currently has a balance of \$ 149.¹⁰ at this institution. I further certify that his receipts, expenditures, and balances have been as follows for the last six months:

	RECEIPTS	EXPENDITURES	BALANCES
July 2006	\$ 0. ⁰⁰	N/A	186. ⁴⁰
June 2006	172. ⁰⁰		213. ⁷⁹
May 2006	20. ⁰⁰		182. ⁴⁷
April 2006	150. ⁰⁰		153. ⁹⁰
March 2006	40. ⁰⁰		165. ⁷³
February 2006	10. ⁰⁰		156. ⁵⁴



Officer, Holman Prison

Sworn to and subscribed before me on this the 11th day of August, 2006.



NOTARY PUBLIC

My Commission Expires: 7/17/08